

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 338**

Introduced by Friend, 10.

Read first time January 15, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections  
2 16-230 and 17-563, Reissue Revised Statutes of Nebraska;  
3 to change weed height requirements as prescribed; and to  
4 repeal the original sections.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 16-230, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           16-230 (1) A city of the first class by ordinance may  
4 require lots or pieces of ground within the city or within two  
5 miles of the corporate limits of the city to be drained or filled  
6 so as to prevent stagnant water or any other nuisance accumulating  
7 thereon. It may require the owner or occupant of all lots and  
8 pieces of ground within the city to keep the lots and pieces of  
9 ground and the adjoining streets and alleys free of any growth  
10 of ~~twelve~~ six inches or more in height of weeds, grasses, or  
11 worthless vegetation, and it may prohibit and control the throwing,  
12 depositing, or accumulation of litter on any lot or piece of ground  
13 within the city.

14           (2) Any city of the first class may by ordinance declare  
15 it to be a nuisance to permit or maintain any growth of ~~twelve~~ six  
16 inches or more in height of weeds, grasses, or worthless vegetation  
17 or to litter or cause litter to be deposited or remain thereon  
18 except in proper receptacles.

19           (3) Any owner or occupant of a lot or piece of ground  
20 shall, upon conviction of violating such ordinance, be guilty of a  
21 Class V misdemeanor.

22           (4) Notice to abate and remove such nuisance shall be  
23 given to each owner or owner's duly authorized agent and to the  
24 occupant, if any, by personal service or certified mail. If notice  
25 by personal service or certified mail is unsuccessful, notice shall

1 be given by publication in a newspaper of general circulation in  
2 the city or by conspicuously posting the notice on the lot or  
3 ground upon which the nuisance is to be abated and removed. Within  
4 five days after receipt of such notice or publication or posting,  
5 whichever is applicable, if the owner or occupant of the lot or  
6 piece of ground does not request a hearing with the city or fails  
7 to comply with the order to abate and remove the nuisance, the city  
8 may have such work done. The costs and expenses of any such work  
9 shall be paid by the owner. If unpaid for two months after such  
10 work is done, the city may either (a) levy and assess the costs and  
11 expenses of the work upon the lot or piece of ground so benefited  
12 in the same manner as other special taxes for improvements are  
13 levied and assessed or (b) recover in a civil action the costs  
14 and expenses of the work upon the lot or piece of ground and the  
15 adjoining streets and alleys.

16 (5) For purposes of this section:

17 (a) Litter includes, but is not limited to: (i) Trash,  
18 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
19 plaster, cement, brick, or stone building rubble; (iii) grass,  
20 leaves, and worthless vegetation; (iv) offal and dead animals;  
21 and (v) any machine or machines, vehicle or vehicles, or parts of  
22 a machine or vehicle which have lost their identity, character,  
23 utility, or serviceability as such through deterioration,  
24 dismantling, or the ravages of time, are inoperative or unable to  
25 perform their intended functions, or are cast off, discarded, or

1 thrown away or left as waste, wreckage, or junk; and

2 (b) Weeds includes, but is not limited to, bindweed  
3 (Convolvulus arvensis), puncture vine (Tribulus terrestris),  
4 leafy spurge (Euphorbia esula), Canada thistle (Cirsium arvense),  
5 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea  
6 picris), Johnson grass (Sorghum halepense), nodding or musk  
7 thistle, quack grass (Agropyron repens), perennial sow thistle  
8 (Sonchus arvensis), horse nettle (Solanum carolinense), bull  
9 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn),  
10 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).

11 Sec. 2. Section 17-563, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 17-563 (1) Each city of the second class and village by  
14 ordinance may require lots or pieces of ground within the city or  
15 village to be drained or filled so as to prevent stagnant water  
16 or any other nuisance accumulating thereon. It may require the  
17 owner or occupant of any lot or piece of ground within the city  
18 or village to keep the lot or piece of ground and the adjoining  
19 streets and alleys free of any growth of ~~twelve~~ six inches or more  
20 in height of weeds, grasses, or worthless vegetation, and it may  
21 prohibit and control the throwing, depositing, or accumulation of  
22 litter on any lot or piece of ground within the city or village.

23 (2) Any city of the second class and village may by  
24 ordinance declare it to be a nuisance to permit or maintain any  
25 growth of ~~twelve~~ six inches or more in height of weeds, grasses, or

1 worthless vegetation or to litter or cause litter to be deposited  
2 or remain thereon except in proper receptacles.

3 (3) Any owner or occupant of a lot or piece of ground  
4 shall, upon conviction of violating such ordinance, be guilty of a  
5 Class V misdemeanor.

6 (4) Notice to abate and remove such nuisance shall be  
7 given to each owner or owner's duly authorized agent and to the  
8 occupant, if any, by personal service or certified mail. If notice  
9 by personal service or certified mail is unsuccessful, notice shall  
10 be given by publication in a newspaper of general circulation in  
11 the city or by conspicuously posting the notice on the lot or  
12 ground upon which the nuisance is to be abated and removed. Within  
13 five days after receipt of such notice or publication or posting,  
14 whichever is applicable, if the owner or occupant of the lot or  
15 piece of ground does not request a hearing with the city or village  
16 or fails to comply with the order to abate and remove the nuisance,  
17 the city or village may have such work done. The costs and expenses  
18 of any such work shall be paid by the owner. If unpaid for two  
19 months after such work is done, the city or village may either (a)  
20 levy and assess the costs and expenses of the work upon the lot or  
21 piece of ground so benefited in the same manner as other special  
22 taxes for improvements are levied and assessed or (b) recover in  
23 a civil action the costs and expenses of the work upon the lot or  
24 piece of ground and the adjoining streets and alleys.

25 (5) For purposes of this section:

1           (a) Litter includes, but is not limited to: (i) Trash,  
2 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
3 plaster, cement, brick, or stone building rubble; (iii) grass,  
4 leaves, and worthless vegetation; (iv) offal and dead animals;  
5 and (v) any machine or machines, vehicle or vehicles, or parts of  
6 a machine or vehicle which have lost their identity, character,  
7 utility, or serviceability as such through deterioration,  
8 dismantling, or the ravages of time, are inoperative or unable to  
9 perform their intended functions, or are cast off, discarded, or  
10 thrown away or left as waste, wreckage, or junk; and

11           (b) Weeds includes, but is not limited to, bindweed  
12 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),  
13 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
14 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
15 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
16 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
17 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
18 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),  
19 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

20           Sec. 3. Original sections 16-230 and 17-563, Reissue  
21 Revised Statutes of Nebraska, are repealed.